

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Marvin Vincent Brewer

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GROUP ART UNIT:

RECEIVED

EXAMINER: APR 10 2002

GROUP 3600

FILED: January 31, 2001

INVENTION: Regulatory Gate System for
Product Drop Off Of Vibratory Conveyors

SERIAL No: 09/774,892

ATTY FILE: CFLAY.00035

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

Applicant hereby requests reconsideration of the holding of abandonment for the above-referenced application (hereafter "application"). On March 27, 2002, Ms. Durham in the Office of Initial Patent Examination informed Applicant's attorneys via telephonic communication that the application is now deemed to be abandoned because of non-receipt of payment in the amount of \$130.00 for a late oath/declaration surcharge. Respectfully, Applicant disagrees with the abandonment because the surcharge should have been taken from Applicant's Attorneys' Deposit Account. *See Exhibit A* included with this submission.

On January 31, 2001, Applicant filed the application with an incomplete declaration and power of attorney. Applicant was aware that the declaration and power of attorney was incomplete so Applicant filed a completed declaration and power of attorney on March 19, 2001. *See Exhibit B* included with this submission. However, a surcharge payment for a late oath/declaration was not included in that submission. Because a surcharge payment is required for filing a late oath/declaration and Applicant did not include payment with the same, the United States Patent and Trademark Office should have charged the surcharge fee to Applicant's Attorneys' Deposit Account.

Applicant's Attorneys authorized the Commissioner to charge indicated fees and any additional fee required under 37 CFR 1.16 and 1.17 when Applicant filed "Fee Transmittal for FY 2000" (form PTO/SB/17 (12/99)) on January 31, 2001 with the filing of the application. See Exhibit A. The surcharge for late filing of an oath/declaration is an additional fee required under 37 CFR 1.16(e). As the authorization to charge the deposit account was a broad authorization under 37 CFR 1.25, the Office should have charged Attorneys' deposit account when the surcharge payment was not included in the submission of the late oath/declaration. *See* MPEP 509.01.

Applicant respectfully requests that the holding of abandonment for the application be removed for the reasons stated herein and that the application now be forwarded for examination on its merits.

Respectfully submitted,



Steven B. Leavitt
Registration No. 45,318
Attorney for Applicant

CARSTENS, YEE & CAHOON, L.L.P.
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
(972) 367-2002 Fax



Certificate of Mailing

I hereby certify that this document is being deposited, pursuant to 37 C.F.R. 1.10, with the United States Postal Service via first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on March 29, 2002.

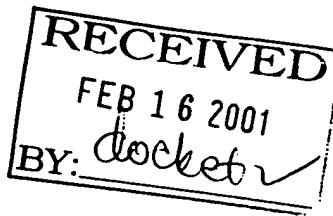
Name: Christine Wolski
Christine M. Wolski



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EXHIBIT A

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT
INVENTION: Regulatory Gate System For Product Drop Off Of Vibratory Conveyors
APPLICANT: Marvin Vincent Brewer
SERIAL NO.: 09/774,892



January 31, 2001
Colin P. Cahoon

jc841 U.S. PTO
09/774892



01/31/01

Applicant: Vincent Brewer
Title: Safety Valve Utilizing an Isolation Valve
File: CFLAY.00035

On the date stamped hereon, the U.S. Patent and Trademark Office received the following:

1. Transmittal Letter;
2. Patent Application
3. Fee Transmittal
4. Check in the amount of \$1,176.00
5. Declaration & POA of Sole Inventor
6. Postcard Acknowledgement

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

for FY 2000

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 1,176.00)

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Vincent Brewer
Examiner Name	
Group / Art Unit	
Attorney Docket No.	CFLAY.00035

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GROUP 3600

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-0392

Deposit Account Name Carstens, Yee & Cahoon, L.L.P.

 Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2. Payment Enclosed:

 Check Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	690	201 345 Utility filing fee	690.00
106	310	206 155 Design filing fee	
107	480	207 240 Plant filing fee	
108	690	208 345 Reissue filing fee	
114	150	214 75 Provisional filing fee	

SUBTOTAL (1) (\$ 690.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
34	-20** = 14	x \$18.00	= \$252.00
Independent Claims	6	- 3** = 3	x \$78.00 = \$234.00
Multiple Dependent			\$260.0 = \$0.00

** or number previously paid, if greater. For Reissues, see below

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	78	202 39 Independent claims in excess of 3
104	260	204 130 Multiple dependent claim, if not paid
109	78	209 39 ** Reissue independent claims over original patent
110	18	210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 486.00)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	380	216 190 Extension for reply within second month	
117	870	217 435 Extension for reply within third month	
118	1,360	218 680 Extension for reply within fourth month	
128	1,850	228 925 Extension for reply within fifth month	
119	300	219 150 Notice of Appeal	
120	300	220 150 Filing a brief in support of an appeal	
121	260	221 130 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,210	241 605 Petition to revive - unintentional	
142	1,210	242 605 Utility issue fee (or reissue)	
143	430	243 215 Design issue fee	
144	580	244 290 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Petitions related to provisional applications	
126	240	126 240 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	690	246 345 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690	249 345 For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

Other fee (specify) _____

Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Vincent J. Allen	Registration No. (Attorney/Agent)	45,514	Telephone	972-367-2001	
Signature					Date	January 31, 2001

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

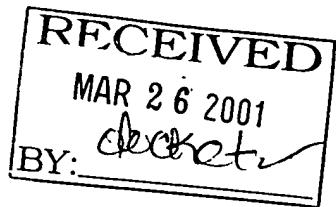
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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EXHIBIT B

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT
INVENTION: Regulatory Gate System For Product Drop Off Of Vibratory Conveyors
APPLICANT: Marvin Vincent Brewer
SERIAL NO.: 09/774,892



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APR 10 2002
GROUP 3600

March 19, 2001
Colin P. Cahoon

09/774,892

Applicant: Vincent Brewer
Title Regulatory Gate System For
Product Drop Off Of Vibratory Conveyors
File: CFLAY.00035



On the date stamped hereon, the U.S. Patent and Trademark Office received the following:

1. Transmittal Letter;
2. Assignment;
3. Power of Attorney By Assignee;
4. Declaration and Power of Attorney –Sole Inventor;
5. Postcard Acknowledgement



Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/774,892
		Filing Date	January 31, 2001
		First Named Inventor	Vincent Brewer
		Group Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	CFLAY.00035

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

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APR 10 2002

GROUP 3600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	CARSTENS, YEE & CAHOON, L.L.P.	
Signature		
Date	March 19, 2001	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: March 19, 2001

Typed or printed name	Robin Hewett	Date	March 19, 2001
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: M. Vincent Brewer

§ GROUP ART UNIT:

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FILED: January 31, 2001

EXAMINER:

INVENTION: Regulatory Gate System For
Product Drop Off Of Vibratory Conveyors

SERIAL NO.: 09/774,892

ATTY FILE: CFLAY.00035

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APR 10 2002

GROUP 3600

To: Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing, please find the following:

1. Transmittal in duplicate;
2. Assignment;
3. Declaration and Power of Attorney – Sole Inventor
4. Power of Attorney By Assignee; and
5. Postcard acknowledging receipt.

Respectfully Submitted,

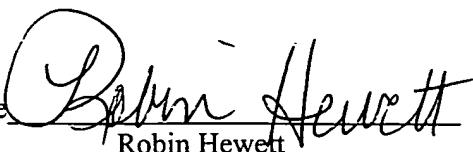

Vincent J. Allen
Attorney/Agent for Applicant
Registration No. 45,514



Certificate of Mailing

I hereby certify that the above listed documents identified as items 1 through 5, which are attached hereto, are being deposited with the United States Postal Service via first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on March 19, 2001.

Name


Robin Hewett

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GROUP 3600

ASSIGNMENT

WHEREAS, I, Marvin Vincent Brewer, a citizen of the United States residing at 10301 Megan Court, Frisco, Collin County, Texas 75038, am the inventor of the invention **Regulatory Gate System For Product Drop Off Of Vibratory Conveyors**, for which I have executed an application for Letters Patent of the United States with attorney reference number CFLAY.00035; and

WHEREAS, RECOT, INC., incorporated in the state of Delaware, with a place of business at 5000 Hopyard Road, Suite 460, Pleasanton, California 94588 is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I the said **Marvin Vincent Brewer** have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **RECOT, INC.**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said invention in any country or countries foreign to the United States, and all Letters Patent which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof and all rights of priority in any such country or countries based upon the filing of the said application for Letters Patent of the United States which are created by any law, treaty or international convention; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said invention to the said **RECOT, INC.**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to said **RECOT, INC.**, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said **RECOT, INC.**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set
opposite my signature.

Date:

2/3/01 2001

Marvin Vincent Brewer L.S.